

TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT		Docket Number (Optional) 54308.000181
<p>In re Application of: Oswald BAASCH et al.</p> <p>Application No.: 10/751,638</p> <p>Filed: January 8, 2004</p> <p>For: Fuel Injector Nozzle Adaptor</p> <p>The owner", <u>Holley Performance Products</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. <u>6,837,228</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:</p> <p>expires for failure to pay a maintenance fee;</p> <p>is held unenforceable;</p> <p>is found invalid by a court of competent jurisdiction;</p> <p>is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;</p> <p>has all claims canceled by a reexamination certificate;</p> <p>is released; or</p> <p>is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. <u>48,654</u></p> <p> Signature</p> <p>March 7, 2005 Date</p> <p>Michael P.F. Phelps Typed or printed name</p> <p>703 714-7472 Telephone Number</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) was previously filed on 12-17-04.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>		

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/06 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Oswald BAASCH et al.Application No./Patent No.: 10/751,638 Filed/Issue Date: 01-06-04

Entitled:

Holley Performance Products a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

In the patent application/patent identified above by virtue of either:

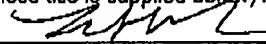
A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 014966, Frame 0381, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



March 7, 2005

Signature

Date

Michael P.F. Phelps

703 714 7472

Printed or Typed Name

Telephone Number

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket Nos. 543-000131, 54306.000133 and 54306.000176
PATENT

ASSIGNMENT

WHEREAS, we Oswald BAASCH residing at 53 Deer Valley Court, Bowling Green, Kentucky; Laura Beth CORNETT residing at P.O. Box 50551, Bowling Green, Kentucky 42102; Douglas Joseph FLYNN residing at 25 Drakes Creek Street, Bowling Green, Kentucky 42103; and Shane WILSON residing at 549 Brier Creek Road, Mammoth Cave, Kentucky 42259, (the "Assignors"), respectively, have made an invention entitled

FUEL INJECTOR NOZZLE ADAPTER

described in the application for United States Letters Patent filed September 28, 2001, and assigned U.S. Patent Application Serial No. 09/964,779 and described in the application for United States Letters Patent filed November 4, 2002, and assigned U.S. Patent Application Serial No. 10/286,843 and described in the application for United States Letters Patent filed July 28, 2003, and assigned U.S. Patent Application Serial No. 10/628,103 and

WHEREAS, HOLLEY PERFORMANCE PRODUCTS. (the "Assignee"), a Kentucky Corporation having a place of business at 1801 Russellville Road (42101), P.O. Box 10360, Bowling Green, Kentucky 42102, is desirous of acquiring the entire right, title and interest in and to the aforesaid invention in and to the application and all Letters Patent of the United States or any foreign country, including continuations, continuations-in-part, reissues, reexaminations, extensions, substitutes and divisions which may be granted therefor;

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said Assignors, by these presents do sell, assign, set over and transfer unto Assignee, its successors, legal representatives and assign, the full and exclusive right in and to the said

Attorney Docket Nos. 543 [REDACTED] 00131, 54306.000133 and 54306.000176
PATENT

invention as described in the said application, and in and to any Letters Patent of the United States or any foreign country, including continuations, continuations-in-part, reissue, reexaminations, extensions, substitutes and divisions which may be granted therefor and all rights to claim priority on the basis of said application;

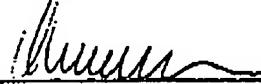
AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks or any other proper officer or agency of any country to issue all said Letters Patent to said Assignee;

AND WE HEREBY warrant and covenant that I have the full right to convey the entire interest herein assigned and that I have not executed and will not execute any instrument or assignment in conflict herewith;

AND WE HEREBY agree to communicate to said Assignee or its representatives any facts known to me respecting said invention, to execute all divisional, continuation, continuation-in-part, reissue, reexamination, extension, substitute and foreign applications, sign all lawful documents and make all rightful oaths and declarations relating to said inventions, execute and deliver any and all papers that may be necessary or desirable to perfect the title to this invention in said assignee, its successors, legal representatives or assigns, and to testify in any judicial or administrative proceeding and generally do everything possible to aid the said Assignee to obtain and enforce said Letters Patent in the United States or any foreign country when requested so to do by said Assignee.

Signature of Inventor:

Inventor's Name:



Date of Execution:

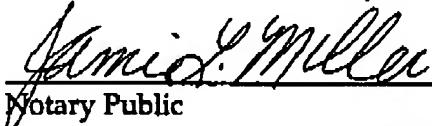
1-30-2004

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

COUNTY OF WarrenSTATE OF Kentucky ss: 401-13-2909

On this 30th day of Jan., 2004, before me a Notary Public in and for the County and State aforesaid, personally appeared Oswald BAASCH, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be of his free act and deed.

(SEAL)

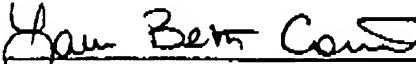


Notary Public

My commission Expires: 1-2008

Signature of Inventor:

Inventor's Name:



Laura Beth CORNETT

Date of Execution:

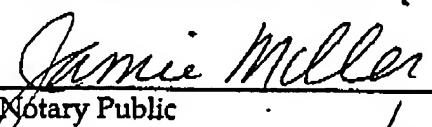
1/30/04

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

COUNTY OF WarrenSTATE OF Kentucky ss: 401-13-2909

On this 30th day of Jan., 2004, before me a Notary Public in and for the County and State aforesaid, personally appeared Laura Beth CORNETT, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be of his free act and deed.

(SEAL)



Notary Public

My commission Expires: 1/2008

Signature of Inventor:
Inventor's Name:Douglas Joseph Flynn
Douglas Joseph FLYNN

Date of Execution:

1-30-04

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

COUNTY OF Warren,STATE OF Kentucky

) ss: 401-13-2909

On this 30th day of January 2004, before me a Notary Public in and for the County and State aforesaid, personally appeared Douglas Joseph FLYNN, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be of his free act and deed.

(SEAL)

James L. Miller
Notary PublicMy commission Expires: 1/2008Signature of Inventor:
Inventor's Name:Shane Wilson
Shane WILSON

Date of Execution:

11:30 AM 1/30/04

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

COUNTY OF Warren,STATE OF Kentucky

) ss: 401-13-2909

On this 30th day of January 2004, before me a Notary Public in and for the County and State aforesaid, personally appeared Shane WILSON, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and acknowledged the same to be of his free act and deed.

(SEAL)

James L. Miller
Notary PublicMy commission Expires: 1/2008